

House File 2227 - Introduced

HOUSE FILE 2227

BY SIEGRIST

(COMPANION TO SF 2106 BY
SHIPLEY)

A BILL FOR

1 An Act relating to landlords and tenants, including rental
2 property utilities, the definition of rent, and forcible
3 entry and detainer actions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 384.84, subsection 4, paragraph d,
2 subparagraphs (1) and (2), Code 2022, are amended to read as
3 follows:

4 (1) Residential or commercial rental property where
5 a charge for water service is separately metered and paid
6 directly to the city utility or enterprise by the tenant is
7 exempt from a lien for delinquent rates or charges associated
8 with such water service if the landlord gives written notice to
9 the city utility or enterprise that the property is residential
10 or commercial rental property and that the tenant is liable
11 for the rates or charges. A city utility or enterprise may
12 require a deposit not exceeding the usual cost of ninety days
13 of water service to be paid to the utility or enterprise. Upon
14 receipt, the utility or enterprise shall acknowledge the notice
15 and deposit. A written notice shall contain the ~~name of the~~
16 ~~tenant responsible for charges,~~ address of the residential or
17 commercial rental property that the tenant is to occupy, and
18 the date that the occupancy begins.

19 (2) ~~A change in tenant for a residential rental property~~
20 ~~shall require a new written notice to be given to the city~~
21 ~~utility or enterprise within thirty business days of the change~~
22 ~~in tenant. A change in tenant for a commercial rental property~~
23 ~~shall require a new written notice to be given to the city~~
24 ~~utility or enterprise within ten business days of the change~~
25 ~~in tenant.~~ When the tenant moves from the rental property,
26 the city utility or enterprise shall return the deposit if the
27 water service charges are paid in full.

28 Sec. 2. Section 384.84, subsection 4, paragraph e, Code
29 2022, is amended to read as follows:

30 e. Residential rental property where a charge for any of the
31 services of sewer systems, storm water drainage systems, sewage
32 treatment, solid waste collection, and solid waste disposal
33 is paid directly to the city utility or enterprise by the
34 tenant is exempt from a lien for delinquent rates or charges
35 associated with such services if the landlord gives written

1 notice to the city utility or enterprise that the property is
2 residential rental property and that the tenant is liable for
3 the rates or charges. A city utility or enterprise may require
4 a deposit not exceeding the usual cost of ninety days of the
5 services of sewer systems, storm water drainage systems, sewage
6 treatment, solid waste collection, and solid waste disposal
7 to be paid to the utility or enterprise. A city utility or
8 enterprise may require a deposit not exceeding the usual cost
9 of sixty days of the services of gas and electric to be paid
10 to the utility or enterprise. Upon receipt, the utility or
11 enterprise shall acknowledge the notice and deposit. A written
12 notice shall contain ~~the name of the tenant responsible for~~
13 ~~the charges,~~ the address of the residential rental property
14 that the tenant is to occupy, and the date that the occupancy
15 begins. ~~A change in tenant shall require a new written notice~~
16 ~~to be given to the city utility or enterprise within thirty~~
17 ~~business days of the change in tenant.~~ When the tenant moves
18 from the rental property, the city utility or enterprise shall
19 return the deposit if the charges for the services of gas,
20 electric, sewer systems, storm water drainage systems, sewage
21 treatment, solid waste collection, and solid waste disposal are
22 paid in full. A change in the ownership of the residential
23 rental property shall require written notice of such change
24 to be given to the city utility or enterprise within thirty
25 business days of the completion of the change of ownership.
26 The lien exemption for rental property does not apply to
27 charges for repairs related to a service of sewer systems,
28 storm water drainage systems, sewage treatment, solid waste
29 collection, and solid waste disposal if the repair charges
30 become delinquent.

31 Sec. 3. Section 562A.6, subsection 10, Code 2022, is amended
32 to read as follows:

33 10. "*Rent*" means a payment to be made to the landlord under
34 the rental agreement, including base rent, utilities, late
35 fees, and other payments made by the tenant to the landlord

1 under the rental agreement.

2 Sec. 4. Section 562A.12, subsection 3, paragraph a, Code
3 2022, is amended by adding the following new subparagraph:

4 NEW SUBPARAGRAPH. (4) To satisfy debts for a tenant's
5 delinquent utility account.

6 Sec. 5. Section 562B.7, subsection 10, Code 2022, is amended
7 to read as follows:

8 10. "Rent" means a payment to be made to the landlord under
9 the rental agreement, including base rent, utilities, late
10 fees, and other payments made by the tenant to the landlord
11 under the rental agreement.

12 Sec. 6. Section 648.5, subsections 1 and 3, Code 2022, are
13 amended to read as follows:

14 1. a. An action for forcible entry and detainer shall
15 be brought in a county where all or part of the premises is
16 located. Such an action shall be tried as an equitable action.
17 Upon receipt of the petition, the court shall set a date, time,
18 and place for hearing. The court shall set the date of hearing
19 no later than eight days from the filing date, except that the
20 court shall set a later hearing date no later than fifteen days
21 from the date of filing if the plaintiff requests or consents
22 to the later date of hearing.

23 b. The requirement regarding the setting of the initial
24 hearing in paragraph "a" is not a jurisdictional requirement and
25 does not affect the court's subject matter jurisdiction to hear
26 the action for forcible entry and detainer.

27 3. Service of original notice by mail is deemed completed
28 four days after the notice is deposited in the mail and
29 postmarked for delivery, whether or not the recipient signs a
30 receipt for the original notice. In computing the time for
31 completion of service, the first day shall be excluded and the
32 final day shall be included regardless of whether the fourth
33 day is a Saturday, Sunday, or federal holiday.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill relates to landlords and tenants, including
3 utilities at rental properties, usage of security deposits,
4 the definition of rent, and service and initial hearing dates
5 for forcible entry and detainer actions. Under current law,
6 for a residential or commercial rental property to be exempt
7 from a lien for delinquent rates or charges imposed by a city
8 utility or enterprise, a landlord must provide the name of a
9 tenant who is responsible for charges to the city utility or
10 enterprise when the tenant is delinquent in paying rates or
11 charges. A landlord must provide a new notice if a tenant that
12 is responsible for a delinquency moves out.

13 The bill removes the requirement that a landlord provide
14 the name of a tenant that is responsible for a delinquency in
15 a notice to a city utility or enterprise. The bill removes
16 the requirement that a landlord provide a new notice to a
17 city utility or enterprise if the tenant responsible for a
18 delinquency moves out.

19 The bill expands the definition of "rent" to include base
20 rent, utilities, late fees, and other payments made by the
21 tenant to the landlord under the rental agreement for purposes
22 of Code chapters 562A (residential landlord and tenant law) and
23 562B (mobile home park landlord and tenant law).

24 The bill provides that the landlord may withhold from a
25 tenant's security deposit amounts as reasonably necessary to
26 pay for delinquent utility accounts the tenant was responsible
27 to pay during the tenancy.

28 Under current law, a court is required to set the date
29 of hearing for a forcible entry and detainer no later than
30 eight days from the filing date, except that the court shall
31 set a later hearing date no later than 15 days from the date
32 of filing if the plaintiff requests or consents to the later
33 date of hearing. The bill provides that the time requirements
34 for the setting of an initial hearing in a forcible entry
35 and detainer action are not jurisdictional and do not affect

1 subject matter jurisdiction of a court to hear the action. The
2 bill also provides that in computing time for completion of
3 service of the original notice by mail in a forcible entry and
4 detainer action, the first day shall be excluded and the final
5 day shall be included regardless of whether the day falls on
6 a weekend or federal holiday.